

IC 16-21

ARTICLE 21. HOSPITALS

IC 16-21-1

Chapter 1. Hospital Council

IC 16-21-1-1

Creation; members; conflicts of interest

Sec. 1. (a) The hospital council is created.

(b) The council consists of nine (9) members appointed by the governor as follows:

- (1) One (1) must be a licensed physician.
- (2) One (1) must be a registered nurse licensed under IC 25-23 and experienced in providing acute care services.
- (3) Three (3) must be individuals engaged in hospital administration.
- (4) One (1) must be an individual engaged in freestanding ambulatory outpatient surgical center administration.
- (5) One (1) must be from the division of family and children.
- (6) One (1) must be the state health commissioner.
- (7) One (1) must be an individual who is not associated with hospitals, except as a consumer.

(c) Except for the members of the council appointed under subsection (b)(3) and (b)(4), a member of the council may not have a pecuniary interest in the operation of, or provide professional services through employment or under contract to, an institution or agency licensed under this article.

As added by P.L.2-1993, SEC.4. Amended by P.L.13-2000, SEC.1.

IC 16-21-1-2

Term of office; vacancies; chairman

Sec. 2. All appointments to the council are for four (4) years, beginning July 1 of the year of appointment, except that in case of a vacancy the appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the group represented by the outgoing member. The governor shall appoint a chairman and a chairman pro tempore.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-3

Per diem; traveling expenses

Sec. 3. A member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-4

Meetings; quorum

Sec. 4. (a) The first meeting of the council shall be called by the state health commissioner and held within thirty (30) days after the appointment of the members of the council. The council shall meet at least two (2) times each year on dates fixed by the council.

(b) Special meetings of the council shall be called by the secretary on the written request of any three (3) members of the council.

(c) Five (5) members constitute a quorum for the transaction of all business.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-5

Secretary; election; term

Sec. 5. In the first meeting of the council and in the first of the two (2) annual meetings during each subsequent year, the council shall elect from the members a secretary who shall keep a record of all meetings. The secretary serves for a term of one (1) year.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-6

Services of experts

Sec. 6. At the request of the council, the state department may obtain the services of experts or other persons to assist the council in the formulation of policy or in conducting the council's business.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-7

Rules; requests by department; consideration by department

Sec. 7. (a) Except as provided in subsection (b), the council shall propose and the executive board may adopt rules under IC 4-22-2 necessary to protect the health, safety, rights, and welfare of patients, including the following:

(1) Rules pertaining to the operation and management of hospitals and ambulatory outpatient surgical centers.

(2) Rules establishing standards for equipment, facilities, and staffing required for efficient and quality care of patients.

(b) The state department may request the council to propose a new rule or an amendment to an existing rule necessary to protect the health, safety, rights, and welfare of patients. If the council does not propose a rule within ninety (90) days of the department's request, the department may propose its own rule.

(c) The state department shall consider the rules proposed by the council and may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-8

Hospital part functioning as health facility; application of IC 16-28; application of rules

Sec. 8. For that part of a hospital that functions as a health facility described by IC 16-28, IC 16-28 applies. The health facilities council does not have greater authority to adopt rules concerning facilities that are licensed under this article than the health facilities council has with regard to health facilities licensed under IC 16-28.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-9

Waiver of rules

Sec. 9. (a) Except as provided in IC 16-29-1-11, the executive board may, upon recommendation by the state health commissioner and for good cause, waive a rule:

- (1) adopted under this chapter; or
- (2) that may be waived under IC 16-28 for a specified time for a hospital based health facility or a hospital licensed under this article.

(b) Disapproval of waiver requests requires executive board action.

(c) A waiver may not adversely affect the health, safety, and welfare of the residents or patients.

As added by P.L.2-1993, SEC.4.

IC 16-21-1-10

Licensure inspections; disclosure of inspection date; penalties; reports; release of records to public

Sec. 10. (a) Licensure inspections of an institution or agency shall be made regularly in accordance with rules adopted under this chapter. The state department shall make all health and sanitation inspections, including inspections in response to an alleged breach of this chapter or rules adopted under this chapter. The office of the state fire marshal, or the fire marshal's authorized agents, shall make all fire safety inspections. The council may provide for other inspections necessary to implement this chapter.

(b) An employee of the state department who knowingly or intentionally informs an institution or agency of the exact date of an unannounced inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be in writing and sent to the institution or agency.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

As added by P.L.2-1993, SEC.4. Amended by P.L.190-1995, SEC.4.